File No. AFD. 452 FaL 70

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department A & F Section Forest 'A'

Subject:— Forest Dept. - Bijapur Dist - Badami Tq - Kesadur - F.S-Nos. 376 and 379 - release of 15 acres of land for cultivation -

Earlier References :— AFD 368 FaL 69

Later References :—

26-12-70
11-2-71

(Classification A/B/C)

Notes Pages 5
Correspondence Pages 9
For/Not for Section Note Book
To be destreyed after —

B.S. Basappa
Under Secretary to Government.

Vatsala S.R.
(ಎಸ್. ಆರ್. ವತ್ಸಲ)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ,
(ಅರಣ್ಯ-ಸಿ).

Indexed.

2

DOCKET SHEET

Department: AST

File No. AFD. 452 to 470

Section Forest 'A'

Volume:

SUBJECT

Forest Dept. Bijapur Dist – Badami Tq – Kandur. F.S. Nos. 376 and 379 relase of 15 acres of land for cultivation

Number and date	To whom sent	Instructions
1	2	3
138 11/1		

[P.T.O.

3

AFD.452.FGL70.

Sr.No.1. letter No. B3/84/GFL/2468/70-71 dated 21.12.70 of the C.C.F. Bijapur

Note,1.

The C.C.F has recommended to surrender 15 acres of land out of F.S.No. 376+379, of Kendur Badami Tq. Bijapur Dist, to R.D for disposal as per land grant rules for alternative, as the said area is subject to encroachment by one or the other.

We may agree with the proposal of C.C.F. A draft letter G.O. is also put up for approval

26/12

DS) 26/12/70

26/12

Dy. Secy. A&P
No. 7975
28/12

Why was the lease cancelled ?.

P/. P/u with the file no AFD 368 FGL 69.

28/12/70.

9/12/70

Note.2

Note 1 & 9 of file No. AFD.368.FGL69 (Placed below) may kindly be perused. The lease was cancelled due to the fact that the lessees had violated the terms of lease and sublet the area.

Dy. Secy. A&P
No. 137
8.1.71

DS) 7/1/71

5/1

6/1

Note 2

(1) The CCF, while recommending to evict the unauthorised occupant of the forest Lands, has suggested the transfer of the Lands to the RD for disposal under the Land Grant Rules. The main reason for suggesting the transfer is the apprehension of encroachment by others, as the Lands have been developed. The suggestion of the CCF is not acceptable for the simple reason that it speaks of the incompetency of the Forest Dept to take care of its property. It is the duty of the local forest authorities to prevent/clear the encroachments on forest Lands.

(2) It may be recalled that the three pieces of Lands totalling 15 acres were initially leased to three (other) individuals, on H.L. basis, who have unauthorisedly transferred the Lands in favour of another individual (Sri S.G. Ganiga) against monetary consideration. The Lessees were found to have violated the conditions of Lease and it was ordered that the Lands should be resumed by Govt. — Please see the file no. AFD 368. FGL 69 placed below.

From the letter of the CCF, still recommending to evict the encroacher, it is obvious that the

S AFD 452.Fe.70

Page 13 of the L.F.

137.

earlier Orders of Govt. issued under No. AFD 369 FeL69 dated 21.1.1970 have not yet been carried out. It is surprising to see the recommendation/proposal of the CCF for transferring the Lands to the RD, merely because the Dept will not be able to prevent the encroachments. The CCF may be instructed to evict the encroachers and utilise the Land for Departmental use.

(3) the CCF's proposal to transfer the Land to RD may be rejected

Secy. ~~AFD~~)

11/1/71

11/1

138.

NOTE.3

CCF's recommendation may be accepted, since he is already in possession.

Min (~~Forests~~)

F 30/71
11.1.71

21/1

ATUR HANUMANTHAPPA
Min. of State for Forests

Secy ~~AFD~~)

NOTE.4

Land has to be surrendered to Rev Deptt for disposal according to Land Grant Rules

21/1

Secy ~~AFD~~ 21/1/71

AFD. 452. FGL70.

6

NOTE. 5

Ref. Note. 4.

The G.O. at P 8 may be issued.

23/1

DS) 25/1/71

Cf. Secy. A & F
No. 436
27/1

Issue
27/1/71

May be seen by Jt

11/2/71.

I 9

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Forest Department - Bijapur District - Badami Taluk - Kendur F.S.No.376 & 379 - release of for cultivation.

ORDER NO./FD 462 FCL 70,
DATED: BANGALORE, THE 29TH JANUARY 1971.

With reference to letter No.D2/34/CCL/2469/70-71 dated 19/21-12-1970 of the Chief Conservator of Forests(General) in Mysore, Bangalore on the subject mentioned above, the Governor is pleased to accord sanction for the release of 15 acres of land out of F.S.No.376 and 379 of Kendur, Badami Taluk, Bijapur District and to its surrender to Revenue Department for disposal as per land grant rules, for cultivation.

ASSURED
Date 3.2.1971

M.A.Srinivasan
(M.A.Srinivasan)
Under Secretary to Government,
Agriculture & Forest Department.

To
The Chief Conservator of Forests(General) in Mysore, Bangalore along with case papers.
The Conservator of Forests, Belgaum.
The Deputy Commissioner, Bijapur.
Copy to: Revenue Department/Guard File.

hms/29-1/Secs.

Sl. No. 2

PROCEEDINGS OF THE GOVERNMENT OF MYSORE. 8 8

Sub: Forest Depts - Bijapur Dist - Badami Tq - Kendur - F.S.No. 376/379 - reheard of for cultivation -

ORDER No. AFD. 452 FCL 70.

BANGALORE DATED THE DECEMBER 70.

With ref: to letter No. B3/84/GFL/2468/70-71 dated 19/21-12-70 of the C.C.F in Mysore B'lore, on the subject mentioned above, the Governor is pleased to accord sanction for the release of 15 acres of land out of F.S.No. 376 and 379 of Kendur, Badami Taluk, Bijapur Dist and hitherto surrendered to R.D for disposal as forest land grant only, for cultivation.

26/12/70
sd/- A.S.R

To

Cert along with case papers.
C.F. Belgaum
D.C. Bijapur.

Copy: RD
GF

Sl. No. 1.

9816/FA/70 9

C. F. No. 45]

GOVERNMENT OF MYSORE

Telegram / Telephone

OFFICE OF 22/12/70.

THE CHIEF CONSERVATOR OF FORESTS

(GENERAL) IN MYSORE: BANGALORE.

No. B3/484/GFL/2468/70-71
Encls. :- Case papers

Date 19th DECEMBER: 1970.

To

The Secretary to Government,

Agriculture and Forest Department,

BANGALORE.

Sir,

48800

Sub: Request of Shri S.G.Ganigar of Nandikeshwar for grant of forest land in F.S.Nos.376 and 379 of Kendur, Badami Taluk for cultivation.

I enclose herewith a copy of letter No.FOP/GFL/BGK-119(4)/61-62, dated 18-11-70, together with its enclosure and the case papers received from the Conservator of Forests, Belgaum.

In this case Shri S.G.Ganiger of Nandikeshwar who has been cultivating the land originally leased to Shri F.B.Menasgi and 2 others and subsequently resumed to Government on 28-1-1970 in pursuance of - Government letter No.AFD 368 FGL 69 dated 21-1-1970 has again encroached upon the land comprised in S.Nos.376 and 379 measuring 15-0-0 acres. He has now applied for the very land on the plea that the he has been cultivating the said land spent huge amount to the extent of Rs.20,000/- for the development of the land.

Since the lands are developed ones the Divisional Forest Officer, Bagalkot and the Conservator of Forests, Belgaum have feared that it will be subject to encroachment by any one and it would be difficult for the Department to evict in due course. They are therefore of the opinion to surrender the area to Revenue Department.

In view of this, I have no objection to surrender an area of 15-0-0 acres out of F.S.Nos.376 and 379 in favour of Revenue Department for disposal as per land grant Rules after evicting the delinquent.

Orders of Government in the matter may kindly be communicated.

Yours faithfully,

Chief Conservator of Forests(Genl.)

10 6

Sub: Request of Shri. S.G.Ganiger of Nandikeshwar for grant of forest land in F.S.Nos. 376 and 379 of Kendur, Badami Taluk for cultivation.

No.FOP/GFL/BGK-119(4)/61-62.
Belgaum, 18th November, 1970.

To

The Chief Conservator of Forests,
(General) in Mysore, Bangalore.

Sir,

Ref: Your No. B3/GFL/2224/68-69 dated 30-1-1970.

I submit herewith the marginally noted references along with the case papers received therewith and state as under:

1) D.F.O., Bagalkot's report No. FOP/GFL/P/51/68-69 dated 5-10-1970 and a copy of his even No. dated 6-10-1970. 2) -do- No. FOP/GFL/BD/3/70-71 dated 7-10-1970. 3) The case papers received along with the above reports.	(1) The D.F.O. now reports that as per the Government Order contained in Government letter No. AFD 368 FGL 69 dated 21-1-1970, the land was resumed to Government on 28-1-1970. But he states that Shri S.G. Ganiger who was in -

possession of the lands and cultivating them for all these years again further occupied and cultivated them this year also fof which the D.F.O, Badami has booked an offence against him. He states that Shri Ganiger has now applied for grant of the same land in his favour on the ground that he has no other land and he has spent a huge amount (it is said about Rs 20,000=00) for the development of the land. He adds that whether development of the lands by investing a large amount by Shri Ganiger can weigh the grant of the land in his favour when he has encroached it, might be examined and orders as deemed fit issued.

(2) From the correspondence it is clear that although the lands were leased out to some three persons, the lands were actually cultivated by Shri Ganiger only and he alone was in possession of the lands till they were resumed to Government. Now he represents that he has spent a large amount on the development of the said lands and hence they may be granted to him. Since the lands are developed ones, they are subject to encroachment by any one and it would be difficult for the Department to evict the encroachment. The land may, therefore, be surrendered to the Revenue Department for being granted as per the Land Grant Rules.

Yours faithfully,

(R.R.Parvatikar)
Conservator of Forests,
Belgaum Circle.

W.

11 5

Subject:- Alleged unauthorised cultivation of Forest lands by Shri.S.G.Ganiger of Nandikeshwar granted to Shriyuts F.B.Menasagi and 2 others.

No.FOP/GFL/P/51/1968-69.
Bagalkot.dt. 5 -10-1970.

To,

The Conservator of Forests,
Belgaum Circle, Belgaum.

Sir,

Ref:-No.B3-GFL-2224/68-69 dt.11/14-4-1970 from the Chief Conservator of Forests, in Mysore, Bangalore addressed to this office and copy endorsed to you at page-65.

I resubmit herewith the case papers from pages 1 to 67 received under your No.FOP/GFL/BGK-119(4)/61-62 dated 10-2-1970 and state as under:-

In this case the applicants Shri.F.B.Menasagi and two others have represented in their application dated 18-4-1969 (Pages 63) to regrant the area of 15 acres out of F.S.No.376.A.379 A & C originally leased out in their favour. Since the applicant (lessee) contravened the terms and conditions of the lease executed by them in having sublet the area in question to one Shri. S.G.Ganiger of Nandikeshwar, the lease was terminated and land was resumed to Government as per order contained in Conservator of Forests, Belgaum Circle, Belgaum's No. FOP/GFL/BGK/119/(47)/61-62 dated 21/23-6-1969. Further the applicants in their statement before Round Forester, Badami on 3-2-1968 (Page-25) stated that the area of 15 acres leased out has been in actual possession of Shri. S.G.Ganiger and that the latter has only been cultivating the said land although it was sanctioned in their favour. Especially when by their own confession the applicants state that they have not cultivated the land since its grant, it is evident that they are not self cultivators. Under the circumstances it may be seen whether their plea for maintenance of status-quo or for grant merits consideration.

Orders are deemed fit may be kindly issued.

Yours faithfully,

(S.R.BHASKAR.)
DIVISIONAL FOREST OFFICER,
BAGALKOT DIVISION; BAGALKOT

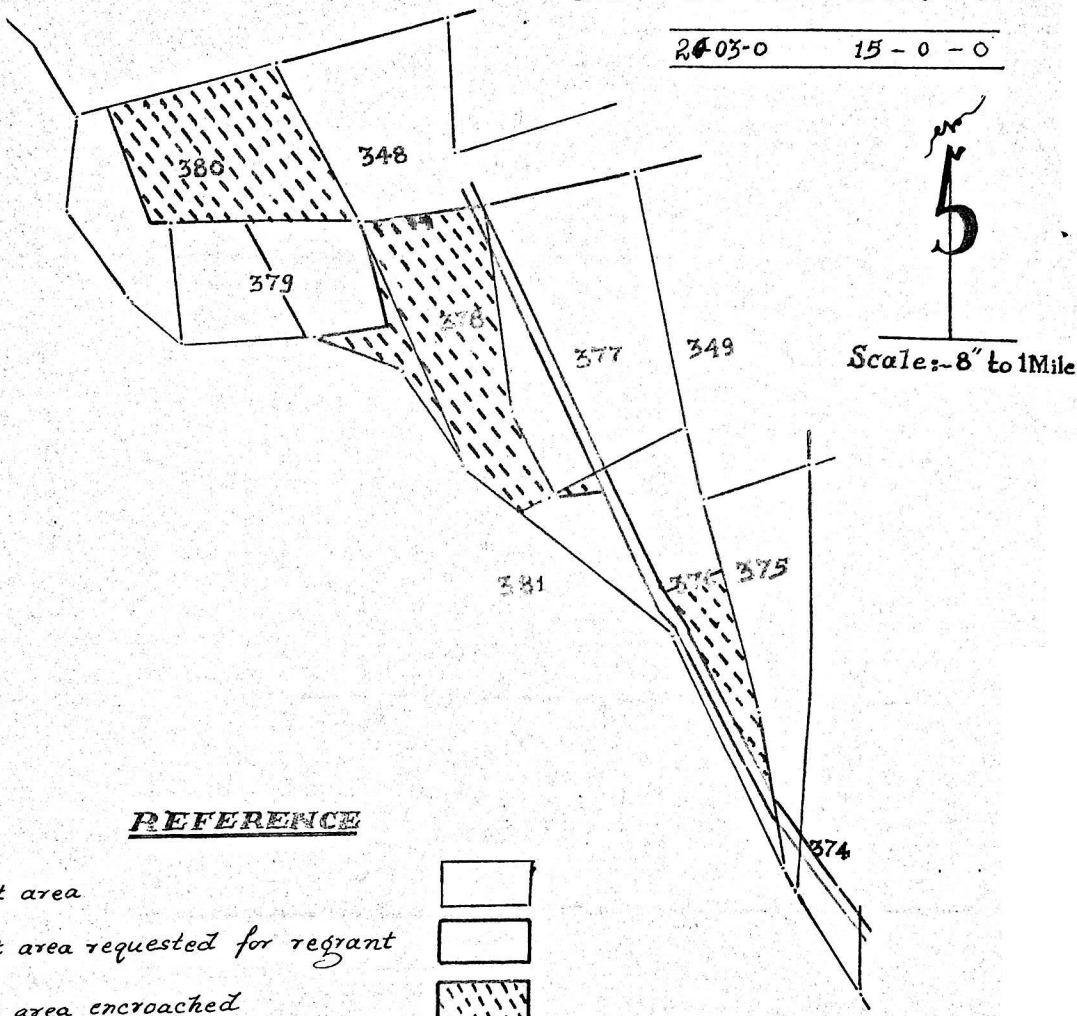
TVN/29-9.

Copy to the Range Forest Officer, Badami for information.

12 4

Sketch showing forest area requested by Shriyuths Menasagi and two others for regrant the land which was previously sanctioned and terminated in F.S.No. 376 A, 379 A&B of Kendur, Taluka Badami.

Sy. No.	Area of Sy. No. A. G. as.	Area Requested to regrant A. G. as.
376	13-14-0	5 - 0 - 0
379	12-29-0	10 - 0 - 0
	26-03-0	15 - 0 - 0



REFERENCE

Forest area

Forest area requested for regrant

Forest area encroached

V.K. Gadalkar
Divisional Surveyor,
Bagalkot Dn; Bagalkot.

Divisional Forest Officer,
Bagalkot Division; Bagalkot.

13 3

Copy of letter No. FOP/GFL/P/51/1968-69 dated 6-10-70 from the D.F.O, Bagalkot to the Conservator of Forests, B.C., Belgaum.

====

Sub: Alleged unauthorised cultivation of forest lands by Shri. S.G.Ganiger of Nandikeshwar granted to Shriyuths F.B.Menasigi and 2 others.

Ref: This office even No. dt. 5-10-1970.

The case papers from pages 1 to 67 which were not enclosed to the above cited letter through oversight are submitted for further action.

====

/ C o p y /

S.B. [illegible]
Conservator of Forests, B.C.

W.

13/11

14 2

Subject:-Request of Shri.S.G.Ganiger of Nandi-keshwar for grant of land in Kandur F.S. No.376 & 379.

No.FOP/GFL/RD/3/1970-71.
Bagalkot.dt. 7 -10-1970.

To,

The Conservator of Forests,
Belgaum Circle, Belgaum.

Sir,

Ref:- Your No.FOP/GFL/BGK-119(47)/1961-62 dated 14-11-1969 and 12-12-1969.

I submit herewith the Range Forest Officer, Badami's No.7 of 1970-71 dated 20-7-1970 with the case papers from pages 1 to 33 and to state as under:-

In this case an area of 15 acres out of F.S.Nos. 376A & 379 A&C was originally leased out in favour of Shriyuths F.B.Menasagi and two others under Conservator of Forests, Belgaum Circle, Belgaum's No.FOP/GFL/BGK/119-(47)/1965-66 dated 5-1-1966 who in turn sublet the land for cultivation to one Shri. S.G.Ganiger of Nandikeshwar in contravention of the conditions of lease. The applicant Shri.Ganiger has thus been in unauthorised occupations of the said land and he now requests to grant the said area in his favour on the plea that he has been in defacto possession of the land and that he has spent considerable amount to bring the land under plough.

Due to contravening the conditions of the lease executed by them, the lease of the original lessees Shri. F.B.Menasagi and two others was terminated on 28-6-1969 as per Conservator of Forests, Belgaum Circle, Belgaum's No.FOP/GFL/BGK/119/(47)/1961-62 dated 21/23-6-1969. But the land in question continued to be in unauthorised occupation of Shri.Ganiger until the same was resumed, from him on 28-1-1970 as per G.O.No.ARD/368-FGL-69 dated nil 1969 kindly vide kabja receipt (Page-31).

Subsequently the applicant Shri.Ganiger cultivated the said land again unauthorisedly for which Range Forest Officer, Badami has booked an offence for the encroach-ment

The plea of Shri. Ganiger for the persistent encroachment of land is that he has been all along in actual possession of the land and that he has spent huge amount for bringing it under tillage during these years and therefore the same may be granted in his favour after regularisation. While it may be true that Shri. Ganiger has invested money on the said land, it is point for consideration whether this factor should weigh in his favour to accept his claim for its grant for cultivation though he is an encroacher.

Orders as deemed are solicited.

Yours faithfully,

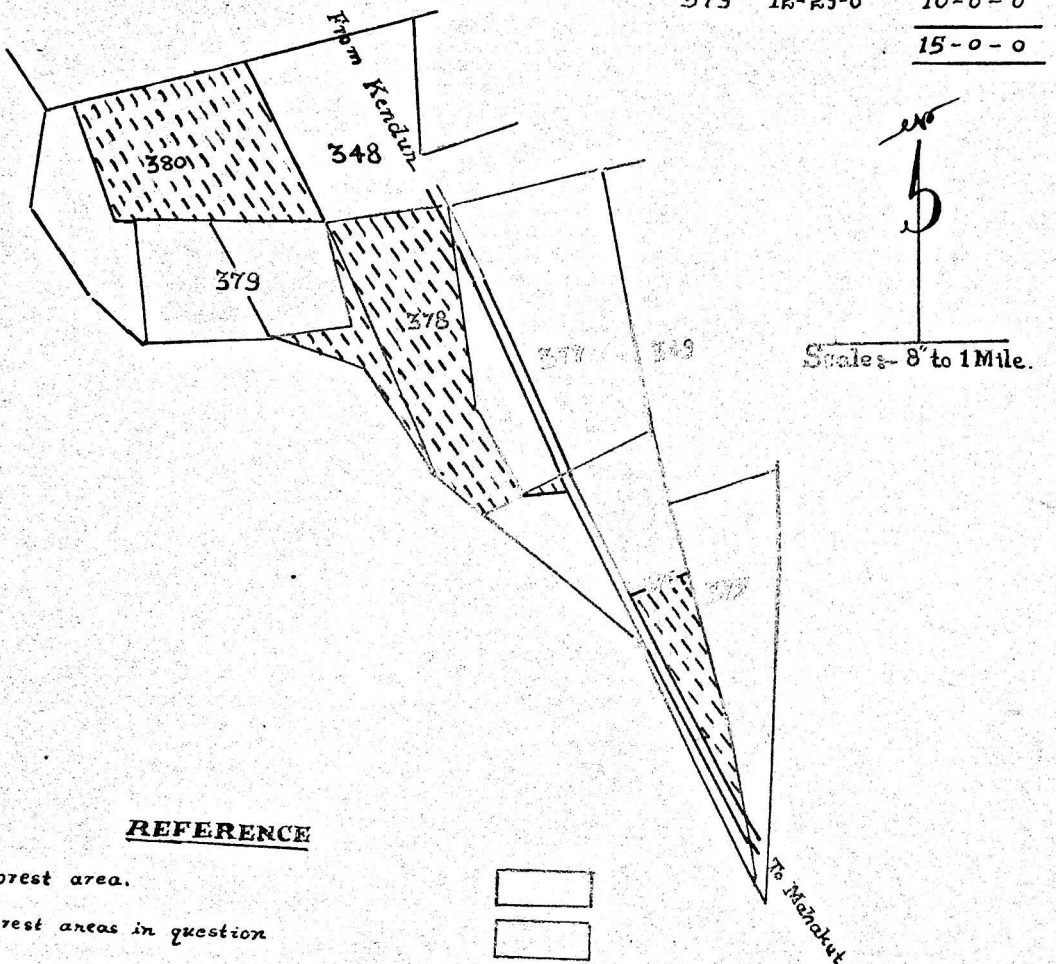
(B.P.BHASKAR.)
DIVISIONAL FOREST OFFICER
BAGALKOT DIVISION:BAGALKOT.

TVN/29-9.

15-1

Sketch showing forest area encroached by Shri. S.G.Ganiger out of Forest Survey Nos. 376 A, 379 A and B of Kendur village of Badami Taluka, which is in question.

F. Sy. No.	Area of Sy. No. A. G. As.	Area Encroached A. G. As.
376	13-14-0	5-0-0
379	12-29-0	10-0-0
		15-0-0



Scales- 8" to 1 Mile.

REFERENCE

Forest area.

Forest areas in question

Forest areas encroached by other parties.

V.Kadolkar
Divisional Surveyor,
Bagalkot Dn; Bagalkot.

Divisional Forest Officer,
Bagalkot Division; Bagalkot.